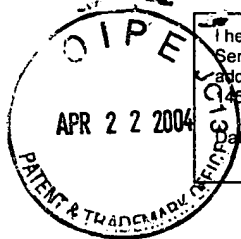


4/26/04

AP-3683



I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 377 650 782 US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 22, 2004

Signature:

Anthony A. Laurentano
(Anthony A. Laurentano)

Docket No.: MTW-001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoichiro Yamamoto *et al.*

Application No.: 10/607732

Confirmation No.: 6511

Filed: June 26, 2003

Art Unit: 3683

For: ELECTROMAGNETIC BRAKE

Examiner: T. J. Williams

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Examiner sets forth in the Office Action that the present invention can be divided into the following two patentably distinct species:

Species A illustrated by Figure 4, and

Species B illustrated by Figure 12.

Applicants are required to elect one of the above groups for prosecution on the merits.

Applicants respectfully traverse the requirements for restriction and election, and submit that the requirements, at least with respect to the two species, are improper. It appears to Applicant that a single search and examination with respect to the subject matter of the two species can be made without serious burden. As the M.P.E.P. states:

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803 (8th ed., August 2001).

Applicants submit that the search and examination of all the claims will have substantial overlap, and because of the data bases and powerful computer search engines available to the Examiner, there would be no serious burden in examining all the claims in this application.


Nevertheless, in compliance with the directives in the Office Action and in order to expedite prosecution of the instant application, Applicants hereby provisionally elect the species covered by Species A, Figure 4. Applicant respectfully submits that claims 1-5 and 10-11 are readable on the elected Species A.

Applicants reserve the right to pursue the non-elected claims, or similar claims, in this or one or more subsequent patent applications.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. MTW-001 from which the undersigned is authorized to draw.

Dated: April 22, 2004

Respectfully submitted,

By 
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